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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

FRANCISCO L. HERRERA and JOANNA
HERRERA, Co-Wrongful Death
Representatives, for the exclusive
benefit of the beneficiaries of MONICA
HERRERA, deceased, who have sustained
damages from her wrongfully caused death,

Plaintiffs,

-vs-

GREGORY BUCKINGHAM and DEBORAH
BUCKINGHAM, but in their individual capacities
as Trustees of the BUCKINGHAM FAMILY
TRUST; and GREGORY BUCKINGHAM and
DEBORAH BUCKINGHAM, as individual
defendants; and WYOMING MECHANICAL,
INC., a Wyoming Corporation; TRIANGLE
TUBE/PHASE III CO. INC., a New Jersey
Corporation; and M&G GROUP DURAVENT,
INC., a New York Corporation,

Defendants.

Case No.: 2:15-cv-00128-NDF

CORRECTED EXHIBIT H
TO TRIANGLE TUBE'S MOTION FOR SUMMARY JUDGMENT AS TO PLAINTIFFS'
STRICT PRODUCTS LIABILITY CLAIMS

CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2016, I served **CORRECTED EXHIBIT H TO TRIANGLE TUBE'S MOTION FOR SUMMARY JUDGMENT AS TO PLAINTIFFS' STRICT PRODUCTS LIABILITY CLAIMS** upon:

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via the Court's ECF filing system.

/s/Cheryl E. Ballew
Cheryl E. Ballew

1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF WYOMING

3 -----)
4 FRANCISCO L. HERRERA and)
5 JOANNA HERRERA, CO-WRONGFUL)
6 DEATH REPRESENTATIVES, for)
7 the exclusive benefit of)
8 the beneficiaries of MONICA)
9 HERRERA, deceased, who have)
10 sustained damages for her)
11 wrongful caused death,) Case No.: 15-CV-128-F
12)
13 Plaintiffs,)
14)
15 vs.)
16)
17 GREGORY BUCKINGHAM and)
18 DEBORAH BUCKINGHAM, both in)
19 their individual capacities)
20 as Trustees of the BUCKINGHAM)
21 FAMILY TRUST; and GREGORY)
22 BUCKINGHAM and DEBORAH)
23 BUCKINGHAM as individual)
24 defendants; and WYOMING)
25 MECHANICAL, INC., a Wyoming)
Corporation,)
Defendants.)

17
18 TRANSCRIPT OF DEPOSITION OF
19 DAVID R. SCHULER

20 Taken at
21 MEAD & MEAD
22 Jackson, Wyoming
23 November 18, 2015

24 COURT REPORTER: Denise Nowak,
25 Certified Shorthand Reporter
and Notary Public

1 A. Nope.

2 Q. Why do you think he -- do you have any reason
3 why he would put that down? Let me show you. You
4 can read the whole paragraph.

5 (Witness complies.)

6 A. I don't know why he would say I hadn't -- that
7 she hadn't been seen since 1330. I didn't see her
8 at all that day until I went into the house that
9 evening. I think maybe it might have been -- I
10 might have said something like she usually leaves
11 around 1:30; that's the only thing that I can think
12 of that might cause him to say that. But I have no
13 idea to why he would say that, I hadn't seen her
14 that day.

15 Q. And just to reiterate the part of the
16 statement to the sheriff's department now, not the
17 fire or EMS, "Schuler said Herrera usually arrived
18 around 1000 hours and usually leaves around 1330.
19 When Schuler noticed Herrera's vehicle still at the
20 residence at approximately 1800 hours, he went over
21 to check on her."

22 A. The only issue I take with that is I did not
23 specifically go over there to check on her because
24 I saw her vehicle. I went over there to do other
25 things, and that's when I noticed her vehicle. And

1 when I noticed her vehicle, that's when I went
2 inside to check on her.

3 Q. When you noticed the vehicle?

4 A. Right. I had gone over there for other
5 reasons. And when I went over I thought there is a
6 vehicle still parked out there, that's odd. So I
7 looked closer and I said that has Idaho plates,
8 that's not Deb's car. That's odd.

9 Q. And in the same paragraph, the previous
10 sentence you said, or two sentences before you
11 said, "Schuler told me he noticed Herrera's car in
12 the driveway of the main house at approximately
13 1000 hours, at approximately ten o'clock that
14 morning."

15 A. Mm-hmm.

16 Q. Do you recall that?

17 A. Yes.

18 Q. So when you saw that car at six o'clock, 1800
19 hours, when you saw it and you had seen it at 10, I
20 mean that was pretty alarming, wasn't it, that she
21 was there that long?

22 A. Yes.

23 Q. And did your mind go to the pipes that were
24 leaking in the house or broken in the house?

25 A. Not immediately at that point. Umm, I didn't

1 -- I thought there could be a number of reasons why
2 her car was still there.

3 Q. You said one of them was you thought maybe she
4 got sick and took a nap?

5 A. At the time there was a flu going around that
6 was taking -- a lot of people were getting sick.
7 And I thought, you know, maybe she is ill. I was
8 just going through options in my mind like why
9 would this car still be parked in here? The car is
10 broken, you know, it's how I think about things. I
11 guess I go through a lot of options in trying to
12 narrow them down rather than jumping to
13 conclusions.

14 Q. So how did you go into the house?

15 A. Through the garage door. The left side garage
16 door.

17 Q. And that's when you noticed that it was very
18 humid and wet, water dripping off the cars and so
19 forth, correct?

20 A. Yes.

21 Q. And I assume what you told me a few minutes
22 ago about combusted gases being wet that you made
23 that connection, I think that's what you said
24 somewhere; is that...

25 A. That's when I started putting it all together,

1 basically, narrowing down the possible causes and
2 started thinking that, you know, something was
3 wrong with the boiler that obviously -- because
4 it's not -- I go in and out of that garage on a
5 regular basis and it's not always humid. And there
6 had been a problem with the boiler in the past, and
7 that's when I started thinking that something might
8 be really wrong.

9 Q. I can show you where -- there is also a report
10 in here where it said that -- you went in through
11 the garage door.

12 And did you go into the house then, or did you
13 go back out and then come into the house?

14 A. I went through the garage into the house.

15 Q. Through what you call a man-door. Is that
16 the --

17 A. That's just a door like the one behind you.
18 It's just -- I call it a man-door. In a garage
19 it's pretty normal nomenclature, you know, you have
20 your garage door, you have the man-door. That's
21 why I called it the man-door. It's the one that's
22 between the garage and house.

23 Q. Okay.

24 A. The exterior doors are locked, so the keypad
25 on the garage door is how I get in and out of the

1 house typically.

2 Q. And then you went to the -- when you into the
3 man-door, you immediately saw Monica on the floor,
4 or am I...

5 A. Yes.

6 Q. And you checked her pulse. Do you recall
7 that? Let me see if I can help you.

8 A. I have it in my notes.

9 Q. I'm sorry, I thought I was waiting for you.

10 A. I'm sorry, I thought you said hold on.
11 What's the question? You sounded like you
12 were about to reference something.

13 Q. Well, I was. We should go through that. You
14 said you entered the garage?

15 MS. MEAD: Are you looking at Exhibit 19?

16 MR. LEWIS: I'm looking at the second page,
17 the second full paragraph on the second page.

18 BY MR. LEWIS:

19 Q. Do you see that?

20 A. Yes. When I opened the garage door?

21 Q. No.

22 A. The second full paragraph?

23 Q. Full paragraph.

24 A. Gotcha.

25 Q. "I entered garage leaving the garage door open

1 and replaced the tool in the toolbox on the way to
2 the boiler. I placed the ladder that was in the
3 garage from looking at the boiler pipes previously
4 against the refrigerator and hit the power button
5 on the boiler." And I think that's what you said
6 in your statement to the sheriff, too, that you
7 turned the boiler off and then went out.

8 But as this statement goes on, I think you're
9 not sure that you did turn off the boiler because --

10 A. I'm sure that I attempted to, yeah, but I'm
11 not sure that I turned it off, because Jim Tucker
12 had told me later that night that he had to turn it
13 off.

14 Q. And you say, "I don't think that I shut it off
15 correctly because Jim Tucker later told me that
16 they had shut it down and there was still exhaust
17 blowing out the separated pipe."

18 So do you see that --

19 A. Yes.

20 Q. -- in your statement? "But at the time I was
21 in a hurry to get it back together and get inside
22 the house to look for Monica and assumed that the
23 boiler was evacuating remaining fumes as it shut
24 down."

25 A. Okay. Some bad punctuation on my part.

1 Q. Well, I'm not your judge on that. Are you
2 saying here that you pushed the two pieces of pipe
3 together?

4 A. Yes.

5 Q. You are sure of that? When you came back they
6 were apart again, so they must have come apart
7 in-between. Is that what you are saying?

8 A. No. What I'm saying is -- maybe I can put
9 this more succinctly than I was able to write it.

10 So the sentence is a little confusing. I do
11 remember I had put the ladder against it, I tried
12 to hit the button, I stepped up on the ladder to
13 put the part of the pipe that was separated back
14 together. My thinking was that if that was the
15 problem, I didn't want more gas flowing into the
16 garage while I was in there, so I put it back
17 together. And I remember that distinctly, because
18 as I was putting it back together there was hot
19 exhaust hitting me in the face from the pipe. And
20 I think, at that time, I had already attempted to
21 turn it off, I thought I had hit the button, and it
22 was still exhausting, so I thought it was just
23 continuing to exhaust whatever gasses and whatever
24 was cycling down.

25 And I was starting at that point to be in a

1 hurry and starting to panic a little bit, so it's
2 hard for me to remember exactly what that was, but
3 I'm pretty sure here that what I was trying to say
4 was that that pipe was blowing exhaust out when I
5 tried to put it back together. At the time I did,
6 the retaining clamp, that metal ring, was on the
7 refrigerator. I picked it up and I put it on the
8 pipe before I put it back together.

9 Q. Did you clip the pipe? Did you caulk the pipe
10 or --

11 A. Did I clip --

12 Q. Caulk it. I don't know if caulk is the right
13 word.

14 A. I think you mean load it.

15 Q. Load it, okay.

16 A. I couldn't tell you. Generally when I do
17 something I try to do it all the way, but I was in
18 a hurry at the time so...

19 Q. If your recollection is correct, then the pipe
20 must have come apart again?

21 A. That day? Yes.

22 Q. Yes.

23 A. Since the last time I had seen it, yes.

24 Q. Well, I'm talking about the time you put them
25 together, clipped it, and then went into the house

1 to find Monica. But afterwards --

2 A. I never touched it again after that.

3 Q. Excuse me, I wasn't quite finished.

4 A. Okay, sorry.

5 Q. Afterwards, Tucker told you he put the pipe
6 back together again. What I'm saying is apparently
7 it came apart again between you and Tucker?

8 A. No. Okay. He didn't tell me that he had put
9 the pipe back together again, he told me they had
10 had to shut it down. That's all he told me.

11 Q. Let's see. "Tucker later told me that they
12 had shut it down and there was still exhaust
13 blowing out the separated pipe, but at that time I
14 was in a hurry to get back together and get inside
15 the house to look for Monica and assumed that the
16 boiler was evacuating the remaining fumes as it
17 shut down. I quickly replaced the retaining clamp
18 that was lying on the refrigerator and put the pipe
19 together then hurried to the man-door." So...

20 A. This was -- never mind.

21 Q. Go ahead.

22 A. This is what I was referring to when I said
23 bad punctuation on my part. When I say, "and there
24 was still exhaust blowing out the separated pipe,"
25 I was referring to -- the time reference there

1 "still exhaust blowing" is referring to me there
2 was exhaust. Jim didn't tell me there was still
3 exhaust blowing out the pipe, I was saying at that
4 time that I tried to shut it down that there was
5 still exhaust blowing out the pipe.

6 Q. Could you tell me, Mr. Schuler, where on
7 Exhibit 28 or 27, and we've got all kinds of
8 pictures if it's not here.

9 A. Mm-hum.

10 Q. Where did you put the pipe together again in
11 the last event?

12 A. I'm pretty sure it was this joint right here
13 that's to the right of the support (indicating).

14 Q. Okay. I'm going to give you a red pen. Would
15 you circle on this Exhibit 28 where that break was?

16 (Witness complies.)

17 A. And I can't tell you that I'm not a hundred
18 percent, but I'm pretty sure that was it.

19 Q. 95 percent?

20 A. Let's say 95. It could've been the one next
21 to it. I remember just grabbing two pipes and just
22 slip the thing on and go like that. If it was the
23 other one, it would have kind of a been a more
24 convoluted grab. Like my hand wouldn't -- doesn't,
25 you know, it's a pipe, a band, all this stuff going

1 on. I remember it being fairly simple just put my
2 hands around it and just push it together, so
3 that's why I think it was that one. I do know it
4 was one of those two.

5 Q. Pushing it back together again, do you have a
6 recollection of -- was that difficult? I mean do
7 you remember whether was it wet and slippery? Do
8 you remember?

9 A. I don't remember if it was difficult or not.
10 I don't remember spending a lot of time doing that.

11 Q. You are a physical man?

12 A. Yeah.

13 Q. Strong?

14 A. It wasn't difficult for me. I don't remember
15 it specifically being hard or easy. I do remember
16 it was fairly quick.

17 Q. And you were concerned about yourself, of
18 course?

19 A. Yes, that's why I was trying to move quickly.

20 Q. Did you know how high the content of CO was in
21 that house?

22 A. I know now how high. I knew that night that
23 the fire department told me that their meters had
24 basically maxed out, that's all.

25 Q. At a thousand, which is --

1 morning, I generally check my e-mail early, and
2 then after work I check that account.

3 Q. Okay. When you went in Thursday night and
4 found that the clamp was off, did you try to
5 contact Wyoming Mechanical at all to tell them that
6 the pipe had come part again and in fact the clamp
7 had come off?

8 A. I don't think so.

9 Q. Again, if I'm understanding you, Friday
10 morning around ten o'clock in the morning, you did
11 see Monica's car or a car at outside the Buckingham
12 home that might have been Monica's?

13 A. Yes.

14 Q. And was ten o'clock the time she normally
15 showed up for the cleaning duties?

16 A. It was more that there was a car there, and I
17 knew that Monica cleaned the house on Fridays
18 generally in the middle of the day.

19 Q. What time did she usually arrive? Do you
20 know?

21 A. I don't really know.

22 Q. Okay. When you saw her car there, did you
23 know that she would probably be going in through
24 the garage? Is that how she got into the house?

25 A. Yeah, I think I knew that she usually goes in

1 through the garage, because it's how everybody but
2 the Buckinghams goes in and out of the house.

3 Q. And uses -- there is a code on the garage or
4 something?

5 A. There is a keypad.

6 Q. Were you concerned at that point that the vent
7 pipe might have come apart again when you saw
8 Monica's car over there?

9 A. No. I wasn't really, you know, it had
10 happened twice over several days, so I didn't think
11 it was something that was happening all the time.
12 And it also, you know, basically like I felt like
13 Greg had called a contractor and that they were
14 dealing with it. Greg didn't say, keep an eye on
15 it or make sure that, you know, basically he told
16 me what's in the e-mail, so I wasn't overly
17 concerned about it.

18 Q. If Greg had said to you to keep an eye on this
19 over the weekend, what would you have done?

20 A. You know, I probably wouldn't have done any
21 more than I did anyway. I mean -- and this is
22 just, you know, it's hard to say what I would have
23 done because now I know what I know and then I
24 didn't know.

25 Q. In hindsight?

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

FRANCISCO L. HERRERA and)	
JOANNA HERRERA, CO-WRONGFUL)	
DEATH REPRESENTATIVES, for)	
the exclusive benefit of)	
the beneficiaries of MONICA)	
HERRERA, deceased, who have)	
sustained damages for her)	
wrongful caused death,)	
Plaintiffs,)	
)	
vs.)	Civil Action No.:
)	15-CV-128-F
GREGORY BUCKINGHAM and)	
DEBORAH BUCKINGHAM, both in)	
their individual capacities)	
as Trustees of the BUCKINGHAM)	
FAMILY TRUST; and GREGORY)	
BUCKINGHAM and DEBORAH)	
BUCKINGHAM as individual)	
defendants; and WYOMING)	
MECHANICAL, INC., a Wyoming)	
Corporation;)	
TRIANGLE TUBE/PHASE III CO.,)	
INC., a New Jersey Corporation;)	
and, M&G GROUP DURAVENT, INC.,)	
a New York Corporation,)	
Defendants.)	

TRANSCRIPT OF DEPOSITION OF
DAVID RYAN SCHULER
VOLUME I

Taken at
235 East Broadway
Jackson, Wyoming
April 27, 2016
8:20 a.m.

COURT REPORTER: Denise Nowak
Certified Shorthand Reporter
and Notary Public

1 looking at the support that comes out the wall.

2 A. Yes.

3 Q. And you believe it's the joint to the right?

4 A. Yes, that would be my best guess.

5 Q. Okay. I suspected that when I read your
6 deposition, but it just wasn't all that clear.

7 Thank you.

8 A. Yep.

9 Q. And you put it back together, and that's when
10 you went and looked inside and found Mrs. Herrera.

11 A. Yes.

12 Q. Is this the first time you put together the
13 flue?

14 A. I don't think so.

15 Q. Ah ha. When do you think you put the flue
16 together before that?

17 A. Well, I do remember previously the seal, the
18 white at the junction where the gray pipe goes in
19 the white pipe, I remember the night of -- I think
20 Thursday the 29th when I was in the house working
21 on things and Greg had asked me to look at it, I
22 looked at this. And this was not in, so I just
23 kind of pushed that seal back in, I wiggled the
24 gray pipe back and forth, I pushed that seal back
25 in.

1 I don't remember -- I do remember putting --
2 finding the, you know, the steel retaining clip on
3 the refrigerator at some point. I don't remember
4 if it was that night when I put it together, if I
5 slipped it back then, when, so I don't know -- I
6 don't specifically remember any other time putting
7 the flue back together I think is what I'm trying
8 to say. If I looked at my notes that I took
9 shortly after that it might help jog my memory.

10 Q. Okay. Before you go to that --

11 A. Yes.

12 Q. -- take this red pen.

13 A. Mm-hmm.

14 Q. And I want to mark with the red pen the blue
15 seal that you adjusted somehow.

16 A. Circle it?

17 Q. Whatever.

18 A. Point at it somehow?

19 Q. Whatever. Is it working?

20 A. Yes.

21 Q. What have you put on there?

22 A. An arrow pointing to the seal that I was
23 talking about.

24 Q. Describe more for me what you saw that
25 Thursday.

1 A. Specifically about the seal?

2 Q. Yes, sir.

3 A. The seal wasn't seated correctly. I don't
4 remember if it was pushed out or in, I just
5 remember looking at it and that it wasn't sealed
6 correctly, it didn't look like it was creating a
7 seal, and you know like I kind of pushed the pipe
8 out a ways so I could get my fingertip in there
9 enough to kind of make the seal go where it was
10 supposed to and it looked like it was kind of
11 seated and sealing after that.

12 Q. Did you think it was important that it was
13 sealed?

14 A. Yes. I figure if the manufacturer put a seal
15 there, it had a reason.

16 Q. Now we are working on refreshing your
17 recollection.

18 A. Mm-hmm, yes.

19 Q. You've marked the seal. Do you think on that
20 night you also reassembled some flue joint?

21 Here, we are going to look at Exhibit 19.

22 MR. WALTZ: Let's take five minutes and read
23 that through, and I'm then I'm going to ask you
24 some questions. We'll take a short break and then
25 we'll get started again.

1 (Brief recess taken.)

2 MR. WALTZ: Are we ready to go here?

3 THE WITNESS: I am ready.

4 BY MR. WALTZ:

5 Q. Mr. Schuler, we took a break and asked you to
6 review Exhibit 19. Have you done so?

7 A. Yes.

8 Q. Does that refresh your recollection?

9 A. Yes.

10 Q. I think the question I asked was, have you
11 done something with the flue prior to -- actually
12 about the time you worked on the seal?

13 A. Yes, I did.

14 Q. You did.

15 A. Yes.

16 Q. What did you do?

17 A. The -- I had been working in the house. I
18 came back and looked at the flue more closely. I
19 work on the seal. And while working on that seal,
20 I noticed that one of those metal retaining clips
21 was sitting on the top of the refrigerator, not on
22 the joint.

23 Q. Okay. Looking at Exhibit 58?

24 A. I have it here.

25 Q. Which of the joints did not have the metal

1 clamp?

2 A. So here's where I would think it's that left
3 side joint, because there was moisture on the top
4 of the refrigerator when I picked up that clip and
5 put it back on, it leads me to believe, you know,
6 I'm making an assumption here, that you can see the
7 brown rust on the gray pipe is because that was the
8 clip that I picked up and put back on on the left
9 side.

10 Q. We'll make a record. So looking at this
11 photograph and seeing the support that comes out of
12 the wall.

13 A. Yes.

14 Q. It's the joint to the left of that support?

15 A. Yes.

16 Q. So how did you do that?

17 A. I -- basically I pulled it apart.

18 Q. How difficult was it to pull it apart?

19 A. It took effort to pull it apart, even though
20 the clip wasn't on there it took some effort. And
21 I think that I remember that I had pushed the seal
22 back in correctly first. When I pulled it apart to
23 put the metal clip in, I put the clip in, put it
24 back together with the clip, and then looked at the
25 seal again because that piece of pipe had moved

1 while I was putting it back -- taking it apart and
2 putting it back together, and the seal had gotten
3 dislodged in a similar way, and so I put the seal
4 back like I had done before, so actually I had put
5 that seal back twice.

6 Q. So you fixed the seal, then you take the
7 ladder, you stand really in the same place, right?

8 A. Right in the same place.

9 Q. And you take the metal clip. How did you know
10 how to put it on the pipe?

11 A. If you look at the other joints they are all
12 configured the same way.

13 Q. So you put it on -- you take completely the
14 flue apart. You put the metal clamp back on. You
15 put the pipe back together. And I assume you
16 fasten the clip?

17 A. Yes.

18 Q. And do you put it all the way over the
19 plastic?

20 A. There is two teeth that go over a plastic rim
21 or a flange, and it's obvious that those are meant
22 to go over that, from looking at the other joints.

23 Q. And you did that?

24 A. Yes.

25 Q. And it was after you did that activity that

1 you looked to see if you might have affected the
2 seal that you had repaired?

3 A. Yes.

4 Q. And you realized that it had distorted it?

5 A. Yes.

6 Q. And you went ahead and repaired it again?

7 A. Yes.

8 Q. And then you left it that way.

9 A. Yes.

10 Q. And this all occurred, you believe, which
11 date?

12 A. This was Thursday night.

13 Q. So the 29th?

14 A. The 29th, yes.

15 Q. This repair that you did, why were you in
16 there?

17 A. Why was I in the garage?

18 Q. Yes.

19 A. That was the night after they had left, I
20 wanted to fix some lights on Debra's car, I was
21 fixing the hinge on the bench, and I was fixing a
22 toilet seat in the house.

23 Q. It was all that night?

24 A. It was all that night, yes.

25 Q. Did you repair the flue and the seal --

1 strike that.

2 Did you repair the clamp and replace the clamp
3 and fix the seal before or after you did the work
4 inside?

5 A. After.

6 Q. Was -- how did you come to notice that there
7 was an issue?

8 A. It was -- I was looking for it. Greg had
9 mentioned in the e-mail that we talked about
10 earlier that he had put it back together again,
11 so...

12 Q. Have you discussed with Mr. Buckingham which
13 joints he had seen become disengaged?

14 A. No.

15 Q. Let's go back to the e-mails.

16 A. (Witness complies.)

17 Q. I got distracted by going from page 2 of
18 Exhibit 73; just turn to page 2.

19 A. Yes.

20 Q. You say lastly the, "House is holding
21 temperature fine, around 60 in there this morning,
22 garage was at 50." What was keeping the house
23 heated at this point?

24 A. There is a small propane fired stove in the
25 hallway of the house that typically is not on. I

1 Q. And at that time they were recommending to
2 make sure that you had carbon monoxide detectors?

3 A. We had already had them installed.

4 Q. So they didn't really address that.

5 A. No.

6 Q. So on January 30, 2015 did you actually
7 witness Mrs. Herrera coming on to the property and
8 entering the house?

9 A. No.

10 Q. Did you see her vehicle go by?

11 A. No.

12 Q. Run through for me when was the first time you
13 noticed her vehicle. First of all, did you notice
14 her vehicle at the site?

15 A. So her vehicle is -- at that time I didn't
16 know what she was driving, previously she had
17 driven a red SUV and I knew that vehicle. But
18 around late morning I took the dog out and I looked
19 over towards the house and saw a white Chevy Tahoe
20 and noticed it was there, and that's when I
21 remembered that, yeah, Monica is supposed to be
22 there cleaning that day. And I thought, you know,
23 it was parked across from where Deborah normally
24 parks her car, so right next to that propane tank I
25 pointed out.

1 Q. I see.

2 A. So it was parked right there.

3 Q. Right.

4 A. I saw the front of the car from my house over
5 here. You can just see a car parked there.

6 Q. Right.

7 A. And I didn't know it was Monica's car, but I
8 thought -- I realized that if there was a car
9 sitting there it had something to do with Monica
10 being there because she was the only person
11 supposed to be there.

12 Q. When you say late morning, define that for me.

13 A. Like 10 or 11.

14 Q. And you had actually been in the structure,
15 the residence, the main ranch house, the day
16 before?

17 A. The night before.

18 Q. The night before. When, approximately, did
19 you walk out of the residence?

20 A. It was February, it was before I changed jobs,
21 I would say it was, you know, maybe 7 or 8 at
22 night. It was after dark, it gets dark relatively
23 early at that time of year. And at that time I had
24 a job where I had a fairly predictable time I got
25 home from work. So I may have gone over there

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

FRANCISCO HERRERA, and JOANNA)
HERRERA, CO-WRONGFUL DEATH)
REPRESENTATIVES, for exclusive)
benefit of the beneficiaries of)
MONICA HERRERA, deceased, who have)
sustained Damages from her)
wrongfully caused death,)
) Civil Action
Plaintiffs,) No.
vs.) 15-CV-128-F
)
GREGORY BUCKINGHAM and DEBORAH)
BUCKINGHAM, but in their individual)
capacities as Trustees of the)
BUCKINGHAM FAMILY TRUST; and,)
GREGORY BUCKINGHAM and DEBORAH)
BUCKINGHAM as individual)
defendants; and, WYOMING)
MECHANICAL, INC., a Wyoming)
Corporation; TRIANGLE TUBE/PHASE)
III CO. INC., a New Jersey)
Corporation; and, M&G GROUP)
DURAVENT, INC., a New York)
Corporation,)
)
Defendants.)

DEPOSITION OF DAVID SCHULER

Tuesday, May 3, 2016, 9:15 a.m.

Jackson, Wyoming

BE IT REMEMBERED that the deposition of David Schuler was taken by the attorney for the defendants at The Wort Hotel, Goldpiece Room, 50, located at 50 Glenwood Street, Jackson, Wyoming, before Shantae Miller, Court Reporter and Notary Public, in and for the State of Idaho, in the above-entitled matter.

DAVID SCHULER - May 03, 2016

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1 I've had to -- because I've gotten a trouble code
2 from that one.

3 Q. Do you know if there is a low temp
4 sensor in the garage?

5 A. I don't know for sure.

6 Q. Okay. It's my understanding from your
7 earlier testimony that Thursday evening, which would
8 have been January 29th, you went over to the
9 Buckingham house after work to perform some little
10 jobs around the house, correct?

11 A. Yes.

12 Q. Some little repairs. And that after you
13 performed those repairs, you went to check on the
14 boiler vent system?

15 A. Yes.

16 Q. And the reason you went to check on it
17 was that Mr. Buckingham had asked you to keep an eye
18 on that because it had pulled apart?

19 A. Yes.

20 Q. Okay. And as I understand it, when you
21 went to check on the venting system, it was together,
22 it was not pulled apart that Thursday evening?

23 A. Yes.

24 Q. But you found this ring on the
25 refrigerator?

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1 A. Yes.

2 Q. So you pulled it apart, put the ring on,
3 and put it back together and then put the ring into
4 place?

5 A. Yes.

6 Q. When you put the ring into place, does
7 it snap into place, or how did you know you had it on
8 correctly?

9 A. There is -- there are two hooks on one
10 side of the ring that grab a flare on the female side
11 of the joint, and then there's a ring that goes on
12 the male side of the joint, and it seems like the
13 ring is loaded or torqued on there, and that's what
14 holds it together.

15 Q. Okay. Did you get it on the first time
16 you tried, or did you have to try several times to
17 get it on?

18 A. I think I got it on the first time.

19 Q. Okay. After you did that, pulled the
20 vent apart and put the ring on and put the ring into
21 place, did you call anyone at Wyoming Mechanical to
22 let them know you had done that?

23 A. No.

24 Q. Okay. On the Monday after
25 Mrs. Herrera's death, you were present when Wyoming